

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

P.I.L. NO.69 OF 2016

[Nagari Hakka Saurakshan Manch .vs. Hon'ble Home Minister, Department of Home, Mantralaya,
Mumbai and others]

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.R. Ingole, Advocate for the petitioner,
Ms. R.V. Kaliya, AGP for the respondents.

CORAM : B.R. GAVAI AND
MRS. SWAPNA JOSHI, JJ.

DATED : APRIL 28, 2016.

The petition is nothing else but an abuse of public interest jurisdiction of this court.

The petitioner has approached this court praying for necessary direction that the practice of burning effigy of Rawan on Dussehra Day is unconstitutional and illegal. The another relief claimed in the petition is for a direction to pass a legislation in the State Assembly for preventing the practice of burning of effigy of Rawan. The third relief claimed in the petition is for a direction to the respondent no.2–Commissioner of Police to take action against the concerned Police Officers for not performing their duty as per the provisions of the Bombay Police Act.

The preamble of the constitution itself ensures to all citizens liberty of thought, expression, belief, faith and worship. Every citizen is entitled to follow the religion of his choice. He can adopt the practice or practices which such a religion permits.

It is not as if that by any act the prohibition is imposed on the petitioner to perform the right as per his religion, worship of belief.

Though the petitioner states that the fundamental right of the petitioner as enshrined under Article 21 of the Constitution of India has been infringed, nothing is placed on record as to how the petitioner's fundamental right is infringed.

We are unable to understand, as to how, by some persons belonging to a particular religion adopting a particular practice, the right to life of the present petitioner is infringed.

The present petition is nothing else, but a publicity interest litigation.

The petition is, therefore, rejected, with costs which are quantified at Rs.25,000/-. The costs be paid to the Chief Minister Drought Relief Fund, within a period of two weeks from today and a copy thereof be placed on record of this petition.

JUDGE

JUDGE